

REMARKS

Claims 29—48 are pending in the application. Claims 33, 34, 39-42, 47, and 48 are currently withdrawn. Claims 29-32, 35-38, and 43-46 are currently examined. No claims have been amended, no new claims have been added, and no claims are presently cancelled.

In view of the following Remarks, allowance of all the pending claims is requested.

Rejections under 35 U.S.C. §112, 1st Paragraph

The Examiner has rejected claims 29-32, 35-38, and 43-46 under 35 U.S.C. §112, 1st paragraph as allegedly failing to comply with the written description requirement. Applicants traverse this rejection for at least the reason that the specification contains a written description of the invention that clearly allows persons of ordinary skill in the art to recognize that the Applicant was in possession of the claimed subject matter as of the filing date.

Specifically, the Examiner alleges that the limitations “filtering the packets to produce packet data, wherein the packet capturing module produces the packet data by retrieving a predetermined address, comparing the predetermined address to the source and destination addresses for a current packet, and retaining the current packet when one of the source and destination addresses for the current packet matches the predetermined address,” recited in claims 29-30, 35-36, and 43-44 and “filtering, the packets to produce packet data, wherein the packet capturing module produces the packet data by accessing a predetermined address, comparing the predetermined address to the source and destination addresses for a current packet, and retaining the current packet when one of the source and destination addresses for the current packet matches the predetermined address,” recited by claims 31-32, 37-38, and 45-46 are not supported by the specification.

Initially, Applicants note that in rejecting the above-noted limitations, the Examiner has not met the initial burden of presenting why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *See Wertheim*, 541 F.2d at 263, 191 USPQ at 97 (MPEP §2163.04). For example, in the October 2011 Office Action, the Examiner has made the conclusory statement that the above-noted limitations “are

not fully supportive [sic] in the specification.” (Office Action on pp. 3), without presenting any evidence supporting such an assertion, when in fact, the claimed limitations are fully supported by the specification, as discussed below.

Contrary to the Examiner’s assertions and by way of example only, the above-noted claim limitations are fully supported by the specification at pp. 14, line 7 (under the Filtering section), and pp. 15, line 15-pp. 16, line 5. These portions of the specification describe the filtering, the retrieving, the comparing, and the retaining steps, in respective language. In this respect, the Examiner is respectfully reminded that the subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. *See* MPEP §2163.02.

Accordingly, for at least the reasons set forth above, the Examiner has failed to make a *prima facie* case of non-compliance with the written description requirement for claims 29-32, 35-38, and 43-46. Therefore, the rejection of claims 29-32, 35-38, and 43-46 is improper and must be withdrawn.

CONCLUSION


Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: January 24, 2012

Respectfully submitted,

By: _____


Shubhrangshu Sengupta
Registration No. 67,109

Customer No.: 00909

Pillsbury Winthrop Shaw Pittman LLP
P.O. Box 10500
McLean, Virginia 22102

Direct: (703) 770-7939
Main: (703) 770-7900
Fax: (703) 770-7901